

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Coronavirus Reporter,

§
§

Plaintiff,

§
§

v.

Civil Action No. 1:21-cv-00047-LM

Apple Inc.,

§
§
§
§

Defendant.

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§

**DECLARATION OF KEVIN M. O'SHEA, ESQUIRE
IN SUPPORT OF DEFENDANT APPLE INC.'S MOTION TO DISMISS**

Kevin M. O’Shea states as follows:

1. I am a member of the bar of this Court and that of the State of New Hampshire (#15812) and I am a member of the law firm Sulloway & Hollis, PLLC (“Sulloway”), counsel for Apple Inc. (“Apple”) in the above captioned action.

2. I submit this Declaration in support of Apple’s motion to dismiss the Amended Complaint (ECF No. 17) under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted.

3. Attached to this declaration as Exhibit A is a true and correct copy of the Apple Developer Agreement, cited in paragraphs 12 (p. 6), 14 (p. 7), 46, 62, 91, 101, and 110 of the Amended Complaint.

4. The Apple Developer Agreement is publicly available at the following url:
<https://developer.apple.com/terms/apple-developer-agreement/Apple-Developer-Agreement-English.pdf>.

5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 12, 2021

Respectfully submitted,

By: /s/ Kevin M. O'Shea
Kevin M. O'Shea